

EXPRESS MAIL LABEL NO: EV 397845876 US

PATENT APPLICATION  
Docket No. 15436.861.4a.1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Bjorn Stoltz et al.

Serial No.:

10/506,562

) Art Unit

) 1765

Filed:

April 29, 2005

For:

METHOD FOR MANUFACTURING A  
PHOTONIC DEVICE AND A PHOTONIC  
DEVICE

Confirmation No.:

3064

Customer No.:

022913

Examiner:

Shamim Ahmed

**TERMINAL DISCLAIMER TO OBVIATE A PROVISIONAL  
DOUBLE PATENTING REJECTION**

**Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450**

Dear Sir:

Assignee, through its attorney of record, represents that it is the owner of the entire interest in the above-identified patent application. Particularly, the above-identified application, as well as United States Patent Application Serial No. 10/506,563 (the "'563 Application"), are owned by the Assignee by virtue of the assignment recorded in the United States Patent and Trademark Office at Reel 016630, Frame 0896, (attached hereto as Exhibit A).

In light of the foregoing, Assignee hereby disclaims, except as provided below, the terminal part of any patent granted on the above-identified application that would extend beyond the expiration date of the full statutory term of any patent issuing from the '563 Application, as presently shortened by any terminal disclaimer. Assignee agrees that any patent so granted on the above-identified application shall be enforceable only for and during such period that the legal title to it and the '563 Application (and any patent issuing therefrom) are commonly owned. The foregoing agreement by the Assignee runs with any patent granted on the above-identified application and is binding upon the grantor, its successors or assigns.

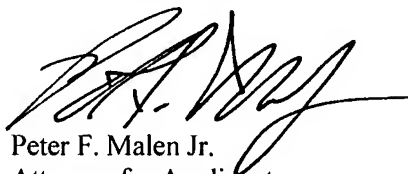
Assignee does not, however, disclaim any terminal part of any patent granted on the above-identified application prior to the expiration date of the full statutory term of any patent issuing from the

'563 Application in the event that such patent issuing from the '563 Application later: expires for non-payment of a maintenance fee; is held unenforceable; is found invalid by a court of competent jurisdiction; is statutorily disclaimed in whole or terminally disclaimed under 37 CFR § 1.321(a); has all claims canceled by a reexamination certificate; or, is reissued or is otherwise terminated prior to expiration of its statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title stated above.

Assignee hereby declares that all statements made herein of its own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Dated this 2<sup>nd</sup> day of April, 2007.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "P. F. Malen Jr.", with a long horizontal flourish extending to the right.

Peter F. Malen Jr.  
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